

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS

3)
4 UNITED STATES OF AMERICA,)
5)
6 Plaintiff,) Criminal Action
7 v.) No. 13-10200-GAO
8)
9 DZHOKHAR A. TSARNAEV, also)
known as Jahar Tsarni,)
10 Defendant.)
11)

12 BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
13 UNITED STATES DISTRICT JUDGE

14 **EXCERPT OF JURY TRIAL - DAY TWENTY-EIGHT**

15 **Testimony of William Richard**

16 John J. Moakley United States Courthouse
17 Courtroom No. 9
18 One Courthouse Way
19 Boston, Massachusetts 02210
Thursday, March 5, 2015

20 Cheryl Dahlstrom, RMR, CRR
21 Official Court Reporter
22 John J. Moakley U.S. Courthouse
23 One Courthouse Way, Room 3510
24 Boston, Massachusetts 02210
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I N D E X

	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
<u>WITNESSES FOR THE</u> <u>GOVERNMENT:</u>				

WILLIAM RICHARD

By Ms. Pellegrini

4

E X H I B I T S

<u>GOVERNMENT'S</u> <u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>RECEIVED</u>
37	Photo of Richard family at Marathon	9
21-2	Photo of Richard family in front of Forum	16
34	Photo of Forum area after second bomb	18
32	Photo of Forum area after second bomb	21
36	Clip of video from in front of Forum	26
39	Photo of William, Henry, and Jane Richard after second bomb	28

1 (EXCERPT AS FOLLOWS:

2 MS. PELLEGRINI: The government calls William Richard.

3 WILLIAM RICHARD, Sworn

4 THE CLERK: Be seated. State your name and spell your
5 last name for the record.

6 THE WITNESS: Sure. William Richard, R-i-c-h-a-r-d.

7 DIRECT EXAMINATION BY MS. PELLEGRINI:

8 Q. Good afternoon, Mr. Richard.

9 A. Good afternoon.

02:49 10 Q. If you can't hear me at any time, please let me know.

11 I'll speak up and speak into the microphone.

12 A. Sure.

13 Q. Mr. Richard, will you tell the jury where you reside?

14 A. I live in Dorchester, in Dorchester, Mass. with my family.

15 Q. Your family, who is your wife?

16 A. My wife is Denise.

17 Q. How long have you been married?

18 A. You told me you weren't going to ask me any trick
19 questions.

02:49 20 Q. Tough question.

21 A. A long time.

22 Q. A long time. Do you and Denise have children?

23 A. Yes. We have a son Henry, a daughter Jane, and our son
24 Martin is deceased.

25 Q. Is your son Martin Richard the child who died on Marathon

1 Monday in April -- on April 15, 2013?

2 A. Yes.

3 Q. Mr. Richard, with respect to the Marathon, prior to 2013,
4 had you and your family ever attended the Marathon or any of
5 the events surrounding it?

6 A. We attended the Marathon and the events surrounding the
7 Marathon several times.

8 Q. Can you tell us about that?

9 A. Sure. It was -- the Marathon always fell on the first day
02:50 10 of April vacation, so it was always a school holiday. I --
11 Denise and I had attended the Marathon before we had kids, even
12 through college, just hanging out on Heartbreak Hill or
13 wherever. But when we had kids, we kind of made it a ritual to
14 go in. And we always knew someone who was running. Even if we
15 didn't know someone who was running, it was just something we
16 did as part of living in the city. We loved living in the
17 city, and we loved participating in anything that involved
18 jumping on the T and hustling through town.

19 Q. Were you yourself a runner?

02:51 20 A. Yes.

21 Q. Did you ever run the Marathon?

22 A. No.

23 Q. Were your children involved in running activities?

24 A. We were a very active family.

25 Q. And, in fact, in April 2013, did your children participate

1 in one of the BAA-sponsored events?

2 A. The children have been participating in what's called the
3 Youth Relay, which occurs the Saturday before Marathon Monday,
4 for the past several years perhaps -- well, at this point, we
5 missed -- we may have missed one, but for at least four or five
6 years.

7 Q. In 2013, who participated in the Youth Relay?

8 A. Henry, Martin, and Jane.

9 Q. Is there an age limit for the children in the Youth Relay?

02:52 10 A. Not that I recall, no.

11 Q. Was this Jane's first time?

12 A. Yes. I believe it was her first time participating in the
13 relay.

14 Q. Now, on Marathon Monday, can you tell us how you got to
15 the Marathon?

16 A. Sure. We -- as we always do, we were late getting out of
17 the house. My goal is to always get in place on Hereford
18 Street to see the lead runners. So it's where we live, which
19 is close to the Red Line. It's kind of pointless to drive. So
02:52 20 like we always do, we're hustling out of the house, grabbing
21 snacks and duffel bags and whatever we need for a long -- ends
22 up usually being a long day in the city.

23 And we jumped on the Red Line at Ashmont and got off
24 at Park Street. And we walked up -- I think this time we
25 walked up Comm Ave and then eventually over to Newbury Street.

1 And I was walking quickly because we were running late, and so
2 we were segmented a little bit. And we eventually got to
3 Hereford Street, and the lead runners had already gone by so we
4 missed them. But we've been there in the past for them, so it
5 was just unlucky that day.

6 Q. Did you have favorite places to go to having previously
7 been to the Marathon?

8 A. Favorite places to watch?

9 Q. To watch, yes.

02:53 10 A. Yeah. We would -- as far as I can recall, as a family, we
11 would -- we had been going to Hereford Street for at least five
12 years. Before Jane was born, we went to the finish line, and
13 Denise was actually carrying Martin in one of those baby Bjorns
14 with Henry, and our good friend was running. And he wasn't a
15 fast runner but he always finished. One of the best pictures
16 we have is him finishing about five and a half hours after the
17 start.

18 But when we started having children, we would -- the
19 finish line just became so hectic that we tried to find a space
02:54 20 that was a little less hectic and gave us a little breathing
21 room. The corner of Hereford Street and Newbury Street kind of
22 offered that spot just as the runners took the turn down
23 Boylston but allowed us to have some space to breathe if we
24 needed to.

25 Q. Was there also another attraction, at least for the

1 children, in that particular area?

2 A. There was -- stores, in particular, some ice cream and
3 smoothie stores that would be giving away free samples. Kids
4 would be leaving the area where the runners are and going to
5 get a free smoothie. Then we would eventually make our way to
6 one of the ice cream shops and get ice cream as we're tracking
7 runners, just kind of go back and forth because, as young kids,
8 they're really into watching the runners, but you get a little
9 tired, you know, looking up one direction for too long.

02:55 10 Q. Now, I'm going to go back to that smoothie and ice cream.
11 But in 2013, was there a runner in particular that you and your
12 family were watching?

13 A. We were there to watch coaches of the kids. The kids are
14 part of a track program, and we were there watching and trying
15 to track in particular runners from that we knew -- that
16 happened to be the kids' coaches. But other people we knew
17 just randomly. So everyone in this room probably knows someone
18 that's running the Marathon that day, so we probably knew a
19 half a dozen people that were running. In particular, we were
02:56 20 there so the kids could see their coaches that helped them the
21 previous Saturday.

22 Q. Now, going back to -- we're talking about that spot where
23 there's smoothies and ice cream.

24 MS. PELLEGRINI: May I have Exhibit 37 marked for
25 identification for counsel and the witness only at this point,

1 your Honor?

2 Q. Mr. Richard, do you see the image on the screen before
3 you?

4 A. Yup.

5 Q. All right. Do you recognize that image?

6 A. I do.

7 Q. Can you tell us briefly and generally what this depicts?

8 A. This is looking from the Marathon course down Newbury
9 Street. So we are at the spot that I just described, looking
02:57 10 at the runners just before they take the turn, which would be a
11 left-hand turn onto Boylston Street.

12 Q. And does this fairly and accurately represent your family
13 in the position that they were in at that location on Marathon
14 Monday in 2013?

15 A. It does.

16 MS. PELLEGRINI: Your Honor, the government would
17 offer Exhibit 37 to be published.

18 THE COURT: Okay.

19 MR. BRUCK: No objection.

02:57 20 (Government's Exhibit No. 37 received into evidence.)

21 Q. Mr. Richard, the screen in front of you is a touchscreen,
22 and if you use your finger, the pad of your finger, it can make
23 a circle or an arrow. So I'm going to ask you to look at that
24 and identify the family members in the image if you will.

25 A. Sure. So you want me to circle and identify?

1 Q. Yes.

2 A. Okay. That's Henry.

3 Q. For the record, so you've drawn a yellow circle over the
4 boy with the bangs on the left side of the picture.

5 A. That's Jane.

6 Q. All right.

7 A. With two legs.

8 Q. Little girl in the green jacket standing on the fence.

9 A. That's Denise.

02:58 10 Q. The woman wearing the cap.

11 A. And that's Martin.

12 Q. A little boy also standing on the fence, kind of a black
13 jacket. Do you know what he has in his hands?

14 A. No. Probably a snack of some sort or a wrapper it looks
15 like. I can't tell.

16 Q. Do you know where you were?

17 A. I was probably either behind the street sign there or off
18 to our left, which we would often kind of walk back and forth
19 from that area. If you found a spot on the rail, you typically
02:59 20 just kind of grabbed it and held it. But I at that point was
21 probably just getting away from the crowd.

22 Q. I see both Jane and Martin are standing on the railing.
23 Did you try to find spots where that could happen?

24 A. Absolutely.

25 Q. All right. From this location, can you tell us where you

1 went?

2 A. So we left this location because it was time for ice
3 cream. And we decided to -- we were trying to track the
4 runners, as I mentioned, having difficulty with the cell
5 coverage and stuff like that. So many people running by,
6 sometimes they run by and you actually miss them. So we
7 thought, well, let's -- or perhaps we had realized that we had
8 a little more time left, I think is what it was.

9 We decided that we should get ice cream and come back.
03:00 10 So rather than going -- normally we'd go to a place right next
11 door called Emack & Bolio's, but we decided to walk down
12 Newbury Street to Ben & Jerry's. And we were able to get a
13 seat inside. So we sat inside. The three kids had ice cream.
14 Denise and I took some bites of theirs. And I can even
15 remember the details of what each of them ordered, but unless
16 you want to know, I'll keep that to myself.

17 Q. I'll let you have your memories.

18 How long did you stay at Ben & Jerry's?

19 A. Oh, 20 minutes.

03:01 20 Q. And from there where did you all go?

21 A. Well, because we were far enough down Newbury Street at
22 that point -- and in years past, you know, Jane would be a
23 little smaller and the kids had had their ice cream, so they
24 had a little more energy to -- it was either kind of do we go
25 home or do we kind of try to go back and stick it out for a

1 little longer? So we decided to do something that we usually
2 don't do and try and find a place closer to the finish line.

3 Q. At that point, though, were you or Denise tracking a
4 particular runner with updates on a phone or anything like
5 that?

6 A. Yes.

7 Q. Do you know whether -- at this point had your friend gone
8 through the finish line?

9 A. It was telling us no, but I had a BlackBerry. I couldn't
03:02 10 track much with that. And for whatever reason, we just weren't
11 clear. So we just figured we'd give it a try. So we weren't
12 sure. We thought it was going to be close. If we got to the
13 finish line, we knew it was going to be close.

14 Q. So from your location on Newbury Street at the ice cream
15 store, how did you get to Boylston? How did you get to that
16 spot on Boylston?

17 A. Right. So we walked up one of the streets that run
18 perpendicular to Newbury and Boylston Street, and we ended up
19 close to the finish line. And it was really crowded, so we
03:02 20 started walking up the sidewalk on Boylston Street and might
21 have stopped once and just kept going until we found a spot
22 that was a little thinner that we could get the kids a seat --
23 a location where they could stand as they are now.

24 Q. Now, you say that the crowd is dense in some place,
25 thinner in others. Generally, what were the crowds like there

1 on Boylston Street?

2 A. Oh, it was very busy. You know, it was people bumping
3 into each other as you're walking, and it was hustling and
4 bustling. It was a beautiful day.

5 Q. And did you eventually come to a location where you
6 stopped on Boylston Street to watch?

7 A. Yes. We -- it was very random. We had no reason to stop
8 where we did other than it was -- there was just -- there was
9 just an opening, and so we took it.

03:03 10 Q. Where was that?

11 A. It was in -- I didn't even know it at the time, but it was
12 in front of the Forum restaurant.

13 MS. PELLEGRINI: May I have Exhibit 29, which I
14 believe is already in evidence?

15 Q. Mr. Richard, I'm going to ask you to look at this image
16 before you. Do you recognize your family here?

17 A. I do.

18 Q. Again -- I'm not real good at this, but -- can you tell us
19 where everybody is as far as you know?

03:04 20 A. Sure. That's me. That's Jane with two legs. And that's
21 Martin.

22 MS. PELLEGRINI: Can we go back on that, Mr. Bruemmer?
23 Can we enlarge again. Original, please.

24 Q. I've made it a little bit back to its original size. Is
25 Henry in this picture as well?

1 A. Yeah. He's a little more difficult to -- he's grown so
2 much in the last two years, but that's him right there.

3 Q. And behind him, with the hat?

4 A. Oh, yeah. Denise is just at the top of the circle that I
5 drew. You can see her brown hat. So Denise is standing right
6 behind Henry.

7 Q. Did you know anybody else in this area as depicted in this
8 photo?

9 A. No, no. We made friends with, you know, a couple of the
03:05 10 boys standing next to us, but that was about it.

11 Q. Mr. Richard, did you ever see this man with the white hat,
12 bill turned backwards?

13 A. Until today in person, no.

14 Q. When you were at this location, tell us what happened,
15 what you remember.

16 A. Repeat.

17 Q. When you got to this location -- let me ask you this:
18 What's the next thing that you recall happening?

19 A. Well, depending on exactly when this photo was taken,
03:06 20 which I suspect it was just moments before the first explosion,
21 we were all simply looking up Boylston, and we heard a
22 thunderous explosion down towards the finish line. And
23 everybody just kind of looked down towards the finish line and
24 really didn't know what to make of it. I thought it was -- the
25 first thing that popped into my head was a sewer explosion

1 because they had been in the news recently. And nobody could
2 see it because it was on the inside of the road. So while
3 we're all looking down, it was happening on the sidewalk, so we
4 really couldn't see anything.

5 And time slowed down, and I just recall -- and I
6 recall thinking, Okay. We should probably go. And I heard
7 somebody -- I wasn't sure. I wasn't sure if we should go or if
8 we should just stay calm. It didn't appear to anybody standing
9 in front of the Forum that there could be a second bomb.

03:07 10 Whatever happened down the road, we didn't even know -- it was
11 even -- as booming as it was, you couldn't even predict how bad
12 it was. You just knew it wasn't good.

13 And at that point I heard somebody yell, Get in the
14 street. And it registered with me as well that whatever
15 happened happened on the sidewalk or came out of one of the
16 storefronts. So I thought, Okay. Let's go over this railing
17 and start walking up Boylston Street.

18 Q. Can I just stop you right there?

19 MS. PELLEGRINI: Again, for counsel and the witness
03:08 20 only, it's 21-2.

21 Q. Mr. Richard, have you seen this image previously?

22 A. Yes.

23 Q. Do you recognize what is depicted here in this photograph?

24 A. The first bomb had just exploded, and everybody is trying
25 to see what it was that happened.

1 Q. And to the best of your recollection, does this fairly and
2 accurately depict where your location was and, in fact, depict
3 you at the time of the first explosion as you just explained to
4 us?

5 A. Yes.

6 MS. PELLEGRINI: Your Honor, the government would
7 offer 21.2.

8 THE COURT: Okay.

9 (Government's Exhibit No. 21-2 received into evidence.)

03:09 10 MS. PELLEGRINI: May it be published?

11 Q. Mr. Richard, looking at that image now on the screen, do
12 you see yourself there?

13 A. I believe so, yes.

14 Q. Let me ask you this actually before I go on. You
15 indicated that there was the first explosion. Which direction
16 did you look -- did you, if you looked, towards?

17 A. I looked -- when the first explosion happened, I looked
18 toward the explosion.

19 Q. And did you look around to see what others were doing as
03:10 20 well?

21 A. Yes. Everybody else was looking in the same direction.

22 Q. And, in fact, isn't that what's depicted here?

23 A. Yes.

24 Q. Now, at this location, directing your attention to the --
25 let me see if I can do it -- the tree area.

1 A. Right.

2 Q. Had you moved from your location?

3 A. Well, when the first bomb exploded, some people kind of
4 reconfigured a little bit. I do remember people just kind of
5 merging together a little bit. And I can't remember exactly
6 where I moved from, to. But I do remember trying to move
7 closer to where -- because there were two people separating my
8 family. So I recall trying to get closer to say to Denise that
9 we're going to go. And I believe I did say the words, We're
03:10 10 going to go.

11 Q. Did you have a chance to move?

12 A. Well, my intention -- thinking so many steps ahead, I
13 thought what I was going to do was get myself over the
14 barricade and then lift the kids over and assuming that -- and
15 then Denise could get herself over, and we'd simply just walk
16 calmly up Boylston Street.

17 Q. Were you able to do that?

18 A. No. I recall trying -- the last thing I remember is the
19 beginning of hoisting myself over the fence.

03:11 20 Q. What's the next thing that you remember after that?

21 A. The next thing I remember is hearing -- unlike the first
22 bomb that was just a loud thunderous boom, this one was an
23 ear-piercing sound that was very more high pitched than the
24 first. And I remember getting up from -- I was blown into the
25 street, and I -- would you like me to continue?

1 Q. Yes, please.

2 A. So I was blown into the street, and I remember getting up,
3 orientating myself, and immediately walking back to where I
4 came from.

5 Q. So I'd like to show you what's been marked for
6 identification -- again, counsel and witness only -- Exhibit
7 34. Mr. Richard, do you recognize the scene shown here?

8 A. Yes.

9 Q. And, in fact, are you in this photograph?

03:12 10 A. Yes.

11 Q. I'm going to just -- can you tell us where you are and, if
12 you know, where your family members are?

13 A. Yes.

14 Q. I'm sorry. Actually, Mr. Richard, I'm sorry. Does this
15 fairly and accurately represent the scene immediately after the
16 blast when you found yourself out in the street?

17 A. It does.

18 MS. PELLEGRINI: Your Honor, the government would
19 offer Exhibit 34.

03:13 20 THE COURT: Okay.

21 (Government's Exhibit No. 34 received into evidence.)

22 Q. So, Mr. Richard, can you tell us what we're looking at
23 here?

24 A. You're looking at the scene of the Forum after the second
25 bomb exploded and I've made my way back to the sidewalk, and

1 I'm lifting the barricade that had fallen to an upright
2 position.

3 Q. Could you circle yourself, sir?

4 A. I'm sorry?

5 Q. Could you make a circle?

6 A. Yes. I'm right there.

7 Q. You've indicated the person whose back is to us a little
8 off center on the left-hand side?

9 A. I'm sorry?

03:14 10 Q. A little off the center, you've drawn a yellow circle
11 around you, is that correct?

12 A. Yes.

13 Q. Who else is in this photo that you know?

14 A. Right. So that's Jane.

15 Q. You drew a circle, another yellow circle, a little girl
16 wearing a green jacket close to the tree?

17 A. Right. That's Henry.

18 Q. Little boy with a gray hoodie all the way to the left?

19 A. And Denise is right there.

03:14 20 Q. Right next to Henry. Do you know where Martin is at this
21 time?

22 A. Martin is on the ground where Denise is reaching.

23 Q. Do you know if we can see any portion of Martin's body
24 here?

25 A. I'm sorry. Do I know if I can see any portion?

1 Q. Yes, of his body, in this photo, if I enlarge this.

2 A. No.

3 MS. PELLEGRINI: Go back to the original size.

4 Q. So, Mr. Richard, you indicated that you are taking the
5 barrier back.

6 A. Right.

7 Q. What happens next?

8 A. What happens next is I -- at that point I hadn't seen
9 Jane. I had seen Denise; I had seen Martin; and I had seen
03:15 10 Henry. And after I lifted the barrier, Henry walked towards me
11 and we embraced. And he said, Is this really happening? And I
12 said yes. I said, You need to help me find your sister. And
13 even though she was standing or kneeling right behind me, I
14 hadn't seen her. And he pointed out -- at that time he pointed
15 out Jane to me.

16 Q. Did you make observations looking at Jane at that time?

17 A. I did. I didn't know the extent of her injuries.

18 Q. What did you know?

19 A. I knew that she was scared.

03:16 20 MS. PELLEGRINI: May I have, again, for the counsel
21 and the witness Exhibit 32.

22 Q. Mr. Richard, looking at the image in front of you, Exhibit
23 32 marked for identification, do you recognize the scene shown
24 here?

25 A. Yes.

1 Q. And, in fact, are you in this photograph?

2 A. I am.

3 Q. Does this fairly and accurately represent the scene
4 immediately after the blast on Boylston Street?

5 A. Yes.

6 MS. PELLEGRINI: Your Honor, the government would
7 offer Exhibit 32.

8 THE COURT: Okay.

9 (Government's Exhibit No. 32 received into evidence.)

03:16 10 Q. Mr. Richard, can you tell us what's happening here?

11 A. It's the -- I'm -- had not seen Jane. I'm walking towards
12 my son Henry. Henry is in the gray sweatshirt with his hand on
13 his head, and I'm reaching for him to come towards me.

14 Q. Mr. Richard, I notice, looking at your pants leg that's
15 right here --

16 A. Right.

17 Q. What's happened here?

18 A. I, like many people, suffered -- my pants were torn apart.
19 My sneakers were torn apart. And I suffered shrapnel and
03:17 20 severe burning to my legs.

21 Q. Mr. Richard, what could you hear at this time?

22 A. I couldn't hear much of anything. It was deafening. I
23 could -- it was muted chaos. I could hear -- I could hear but
24 it was very difficult.

25 Q. And what other physical effects did you take note of?

1 What did you smell? What did you see?

2 A. It smelled -- it smelled like gunpowder, sulfur, burned
3 hair. It smelled vile.

4 Q. Now, in the exhibit on the screen at the moment -- let me
5 clear this. Can you tell us where Henry is?

6 A. Circle.

7 Q. So drawing a yellow circle again around a little boy with
8 a gray hoodie. At this time you say you haven't seen Jane?

9 A. That's right.

03:18 10 Q. And have you seen Denise and have you seen Martin?

11 A. I had seen Denise kneeling over Martin. I did not know
12 the extent of Martin's injuries.

13 Q. Did you -- with respect to Jane, when did you find Jane?

14 A. After this photograph, Henry walked to the end of the
15 fence and we turned around. My -- I was thinking that I needed
16 to get people off the sidewalk. So I wanted to simply just get
17 Henry off the sidewalk and at least off the curb into the
18 street. And it was then when Henry said, There's Jane, and she
19 was by the mailbox.

03:19 20 MS. PELLEGRINI: May I have Exhibit 24 up? I believe
21 it's already in evidence.

22 Q. Mr. Richard, this photograph here is already in evidence.
23 Do you see yourself in this photo?

24 A. I do.

25 Q. Now, you indicated that you had seen Henry and that at

1 some point he came toward you?

2 A. Right.

3 Q. Is that when this happened?

4 A. Yes.

5 Q. Do you see Jane in this photograph?

6 A. I do. And I previously said the "mailbox." I meant the
7 tree. She was closer to the mailbox, but I do see Jane.

8 Q. Again, for the jury, can you circle where Jane is?

9 A. Sure.

03:20 10 Q. You've drawn a circle around a girl wearing a green shirt
11 or jacket.

12 A. Right.

13 Q. A little off the center of the tree.

14 A. Right.

15 Q. Again, at this point could you make any observations of
16 Jane's injuries?

17 A. No.

18 Q. So once you got ahold of Henry, what happened?

19 A. I recall walking towards Jane, and she tried to get up and
03:21 20 she fell. And it was then when I noticed her leg. So I picked
21 her up in one arm and I took Henry in the other, trying to
22 shield both of their eyes. And I walked across Boylston
23 Street.

24 Q. What specific observations did you make about Jane's leg?

25 A. That it was -- she didn't have it. It was blown off at

1 the site.

2 Q. And where did you go from the sidewalk?

3 A. I was bringing -- at that point I knew that she needed
4 help, so I was trying to find medical attention for her. And
5 so I walked into the street until someone approached us to
6 help.

7 Q. And do you know who that was?

8 A. I don't -- there were several people helping, and at the
9 time I didn't know who it was.

03:22 10 Q. What happened there at that site?

11 A. So they took Jane, and they put her on the ground, and
12 they started treating her. And I said that I needed to go back
13 and check on my wife and son. So I -- Henry was clinging to
14 me, and I walked back across Boylston, not the entire way, from
15 where we were. And I could hear Denise yelling my name. And I
16 was still covering Henry's eyes. And I believe at that time I
17 think -- I walked back at least two times across Boylston
18 Street, once with Henry and once without him. And I left him
19 on -- I sat Henry down on the other side of Boylston Street

03:23 20 with someone who assured me that he was safe and that he -- and
21 I told them that I would be right back. And I went back across
22 the street to check on Denise and Jane -- Denise and Martin.

23 Q. When you got back to their location, what happened?

24 A. Well, I saw Denise and other people hovering over trying
25 to help Martin. And I knew that I needed to get back to help

1 Jane. When I saw Martin's condition, I knew that he wasn't
2 going to make it. So I -- I knew Denise was okay, though I
3 didn't know the extent of her injuries. And I told her that I
4 was going to go be with Jane, that Jane was okay, but I needed
5 to go in the ambulance with Jane and Henry.

6 Q. Did Denise say anything to you?

7 A. She agreed, and she was crying. And I -- again, given
8 what I saw, it was at that time when I basically saw my son
9 alive barely for the last time.

03:24 10 Q. Did you say anything to Martin before you left?

11 A. No.

12 Q. When you say that based upon what you saw that he was
13 barely alive, can you tell us what you saw?

14 A. I saw a little boy who had his body severely damaged by an
15 explosion. And I just knew from what I saw that there was no
16 chance, the color of his skin and so on. I knew in my head
17 that I needed to act quickly or we might not only lose Martin,
18 but we might lose Jane too.

19 Q. So from the area where Martin and Denise were, where did
03:26 20 you go?

21 A. I went -- it's a little -- I'm a little unsure exactly.
22 Jane, I believe, was being carried to an ambulance at that
23 point. I found Henry, who was sitting on the opposite side of
24 Boylston Street. And he and I either followed Jane in the
25 ambulance or were told which ambulance she was in. But I knew

1 if we didn't move fast that they were going to leave without
2 me.

3 Q. Now, before we move on, I'd like to show you -- again,
4 only for witness and counsel -- Exhibit 36 marked for
5 identification. Mr. Richard, on the screen before you, have
6 you also reviewed a portion of the Forum video right
7 immediately after the blast? Have you previously viewed that?

8 A. Yes.

9 Q. In fact, are you seen in this video at various times?

03:27 10 A. Am I seen?

11 Q. Yes, not particularly in this particular frame, but are
12 you, in fact, in this video?

13 A. Oh, I'm sorry. Yes, yes.

14 Q. After your review of it, does this fairly and accurately
15 reflect the scene right after the blast?

16 A. Yes.

17 Q. I'm going to start to play this.

18 THE COURT: Is this in evidence?

19 MS. PELLEGRINI: I'm sorry, your Honor. Your Honor,
03:28 20 the government moves Exhibit 36.

21 THE COURT: And this is a clip from the so-called
22 Forum video?

23 MS. PELLEGRINI: A clip from the previous video. It's
24 a smaller version.

25 (Government's Exhibit No. 36 received into evidence.)

1 MS. PELLEGRINI: May I play, your Honor? I'm sorry.

2 THE COURT: Yes.

3 MS. PELLEGRINI: Thank you.

4 (Video recording played.)

5 Q. Mr. Richard, directing your attention to the person who
6 I've drawn a circle around, do you recognize that person?

7 A. It looks like me.

8 Q. What are you doing here?

9 A. Running back to where I came from.

03:28 10 Q. Clearing this, do you know who this is?

11 A. Well, I believe -- now I believe that's Jane.

12 Q. All right. Stopping it there again, in fact, is this you
13 picking up the barrier that you mentioned?

14 A. Right.

15 Q. Mr. Richard, we just saw you put both hands to your head
16 in that video. What is happening there?

17 A. I'm trying to process what's happening.

18 Q. And here?

19 A. I'm taking Henry. You could see in the previous frame
03:29 20 Jane tried to get up and fell, but I am taking Henry away and
21 trying to get him off the sidewalk.

22 Q. All right. Just for the record, I'm drawing a magenta
23 circle around the two figures that are sort of to the left of
24 that screen. Is that you and Henry?

25 A. Yes.

1 Q. What's happening here, Mr. Richard?

2 A. It's the time when I grabbed Jane, and I'm trying to lift
3 her up from the sidewalk.

4 Q. And there, what has happened?

5 A. That's where I stopped to put Jane down and was just
6 praying for someone to come over and help.

7 MS. PELLEGRINI: May I have only for counsel and the
8 witness Exhibit 39.

9 Q. Mr. Richard, do you recognize this photograph?

03:31 10 A. Yes.

11 Q. And, generally speaking, what are we looking at here?

12 A. You're looking at Boylston Street. I'm carrying Jane, and
13 I've got Henry around my right arm and Jane's left leg has been
14 blown off by the explosion.

15 Q. And, again, does this fairly and accurately represent you,
16 Henry and Jane --

17 A. Yes.

18 Q. -- on that day?

19 MS. PELLEGRINI: Your Honor, the government moves
03:31 20 Exhibit 39.

21 THE COURT: All right. Admitted.

22 (Government's Exhibit No. 39 received into evidence.)

23 MS. PELLEGRINI: Publish to the jury.

24 Q. Mr. Richard, did, in fact, someone come to help you as you
25 carried Jane down the street?

1 A. Yes.

2 Q. What happened from that point?

3 A. I was attempting to rip my pants to do something to help,
4 and it was that time when I started hearing calls for, you
5 know, tourniquets and belts and stuff like that. And my
6 attempts to tear my pants in a way were either -- it wasn't
7 fast enough because, by the time I was able to complete that,
8 they were already assisting Jane.

9 Q. Did you and Jane and Henry leave the scene together?

03:32 10 A. It's a little unclear, my memory. But I believe it was
11 after that point when I knew that Jane was being tended for
12 that I walked Henry to the other curbside, and that's when I
13 went back to see Denise and Jane -- to see Denise and Martin.
14 Excuse me.

15 Q. Is this a second time?

16 A. Yes.

17 Q. And what happened at this second point?

18 A. No. It was the -- that was the -- it was -- if I went --
19 if I saw them the first time, I wasn't quite clear to the
03:33 20 extent of the injuries. It was the second -- it was the second
21 time I went back to them is when I told -- when I realized that
22 Denise was injured but not severely injured, and that's when I
23 had already testified about Martin, so --

24 Q. So getting back then to leaving the Boylston Street area,
25 how did that happen?

1 A. Right. So I told Denise that I was going to go be with
2 Jane. I tried to give her some assurance that she was going to
3 be okay, but I had to go. And I looked at Martin for the last
4 time, and I went back across the street, grabbed Henry, and we
5 were brought onto an ambulance that Jane had already been
6 loaded onto.

7 Q. And from there, where did you go?

8 A. To Children's Hospital.

9 Q. What happened there?

03:34 10 A. We arrived. And it was like a scene from the movies and
11 it was just -- we were probably -- I think we were the first
12 ones to arrive. There were just dozens of doctors and nurses
13 lined in triage just waiting. And, really, it -- you always
14 think it's not good when you see the look of horror on doctors'
15 faces, but that's what I recall seeing. And they took Henry,
16 and they immediately took Jane into the emergency room.

17 Q. Let's talk about Henry first. Did he have any injuries?

18 A. He did. He had some cuts and scrapes and some temporary
19 hearing loss. But, thankfully, aside from what he witnessed
03:35 20 that day, physically, he turned out okay.

21 Q. And for Jane?

22 A. Jane was devastatingly injured. She lost her -- they
23 amputated her leg, her left leg, below the knee. And she had
24 -- I've lost count. They must have removed over 20 shrapnel
25 pieces from all areas of her body, including behind her ear, in

1 her back, in her other leg, in her torso, everywhere.

2 Q. How old was Jane when her leg was amputated?

3 A. I'm sorry?

4 Q. How old was Jane when her leg was amputated?

5 A. Six.

6 Q. Did you eventually find out where Denise was taken that
7 day?

8 A. I did. Denise eventually called me from a -- from
9 somebody's phone. I had had my phone because it was in my
03:36 10 pocket. Denise's was in her hand so hers was gone, so I
11 couldn't call her from the ambulance. But she called me when
12 we were at Children's Hospital.

13 Q. And did you find out, first of all, what happened to
14 Denise?

15 A. Yes. She said she was okay but that there was something
16 wrong with her eye.

17 Q. And, in fact, would she lose her sight in that eye?

18 A. She did.

19 Q. And was there anything else that you spoke of?

03:37 20 A. She told me that Martin was dead.

21 Q. Did you already know that?

22 A. I told her -- I told her -- I said, I know.

23 Q. And you yourself, Mr. Richard, were you injured?

24 A. I was injured, not as badly as so many other people. But
25 I had shrapnel in my left leg and asphalt and severe burns on

1 my legs. And I suffered two perforated ear drums and, if you
2 haven't noticed by now, some hearing loss and constant ringing,
3 high-pitched ringing, which is called tinnitus. But I can
4 still hear you. I can still hear music. I can still hear the
5 beautiful voices of my family.

6 Q. Did you receive, yourself, any medical treatment that day?

7 A. I was at Children's and Jane was in surgery. And Henry
8 was checked out and deemed to be okay physically. So they --
9 even though I was at Children's, they insisted on checking my
03:39 10 body as well, which I agreed to let them do. And they took an
11 X-ray, and they found a piece of metal in my leg. And they
12 said it's -- you know, it's bad but it's okay right now. We
13 don't need to remove it right now if you don't want to. And I
14 had asked the kind doctor if he would be so kind to try and
15 remove the piece of metal from my leg now because I knew that I
16 didn't want to be distracted with having it removed in the next
17 24 to 48 hours because I had an idea of what was ahead of me.

18 Q. Were they able to remove it?

19 A. No.

03:39 20 Q. When they were trying to remove it, did you receive any
21 type of anesthesia?

22 A. No, not because I'm a big, tough guy, but I just did not
23 want to go under general anesthesia. I wanted simply for him
24 to cut and try to get it out, but he was unable to, and he's
25 probably upset that I'm still telling the story. But he

1 apologized. And after about -- trying for about 45 minutes, he
2 gave up and said that I'd have to have surgery.

3 Q. But you didn't have it that day?

4 A. No.

5 Q. In fact, when you eventually left the hospital, where did
6 you go?

7 A. I went -- from Children's, I went over to Beth Israel
8 Hospital.

9 Q. Is that where Denise was?

03:40 10 A. Yes.

11 Q. Were you able to see her then?

12 A. Right. So I was able to -- I had told Henry before we got
13 to Beth Israel that Martin had died, and I assured him that
14 Jane was going to be okay and that his mom was okay as well.

15 Q. After leaving Beth Israel, where did you go?

16 A. Well, I was there for quite some time. I saw Denise, and
17 they gave Denise, Henry, and I time to be alone in Denise's
18 room. She had had emergency surgery on her eye, but they
19 weren't able to remove the piece of metal from her eye. It was
03:41 20 just kind of to stabilize it. And after checking back at
21 Children's, I made -- I believe I made one trip back to
22 Children's Hospital and then back again to Beth Israel and at
23 that time made sure that there was somebody with Jane. So Jane
24 was never left alone at Children's. So it was either one of
25 her aunts or uncles were staying with Jane. So Henry and I

1 went to Beth Israel.

2 And as it got later in the evening and people started
3 to show up, I think what you're asking me is where I went. And
4 I told my brother-in-law I needed him to take me home.

5 Q. While you were at home, what did you do?

6 A. I got home and I went home because I knew that it was
7 going to be a long time before I'd be home again. And it turns
8 out that that was the case. So I went home knowing that it was
9 probably my only opportunity to go home given the gravity of
03:43 10 what happened. And so I just couldn't get the smell off my
11 body and it was making me nauseous. And I went home to collect
12 some things, some clothes for Denise, some clothes for Henry.
13 And I took a shower. And it was just my time to kind of think
14 about the days, weeks, months ahead. It was just my time to
15 kind of get that awful smell off my body but to really just put
16 into perspective what had just happened to our family.

17 Q. Mr. Richard, you said you saw Martin for the last time
18 when he was on Boylston Street. How old was Martin Richard
19 when he died on April 15, 2013?

03:44 20 A. He was eight years old.

21 MS. PELLEGRINI: I have nothing further. Thank you,
22 Mr. Richard.

23 MR. BRUCK: Thank you, Mr. Richard. We don't have any
24 questions.

25 THE WITNESS: Okay.

1 THE COURT: Mr. Richard, thank you, sir. You may step
2 down.

3 . . . END OF EXCERPT.)
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6
7 C E R T I F I C A T E
8

9
10 I certify that the foregoing is a correct transcript
11 of the record of proceedings in the above-entitled matter to
12 the best of my skill and ability.
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18 /s/Cheryl Dahlstrom April 28, 2015

19 Cheryl Dahlstrom, RMR, CRR Dated

20 Official Court Reporter
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